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AUG 13 2018	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA

vs.

CRIMINAL CASE NO.

Marcia
DEFENDANT

Bethany Berry
3:18-mj-125

**ASSERTION OF RIGHT TO BE PRESENT IN COURT UNSHACKLED
AND PRESERVATION OF APPELLATE RIGHTS**

I assert my Fifth and Sixth Amendment Rights to be present in court without shackles, and further assert that appearing in court without shackles is necessary to maintain dignity and decorum in the judicial process.

I submit that the Court cannot institute a policy requiring defendants be shackled in every case. Instead, before I may be shackled for any courtroom proceeding, the Court must make an individualized decision on the record that a specific security need particular to me exists.

To order shackling, the Court must make an individualized determination finding that shackling serves a compelling government purpose and the particular shackling method is the least restrictive means for maintaining security and order in the courtroom. In making this determination, the Court should consider whether evidence exists demonstrating: a history of disruptive courtroom behavior; attempts to escape from custody; assaults or attempted assaults while in custody; or a pattern of defiant behavior towards corrections officials and judicial authorities.

Until the Court makes an individualized shackling determination on the record, I request to appear in court without shackles. The shackling determination must be made in my and my counsel's presence, allowing my counsel to object and create an evidentiary record.

This Assertion serves as a standing objection of my right to appear in court unshackled at all future appearances, without the need for me to reassert these rights or re-object to the shackling. This Assertion also preserves my right to appeal the Court's shackling decisions.

X. Berry
Defendant's Signature

8/13/18 12:45 pm
Date and time

Kate Berry
Attorney's Signature

Kate Berry
Attorney Name, AFPD
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